REMARKS

This amendment is submitted in response to the Examiner's Final Action dated August 29, 2005. Applicant has amended the independent claims to correct single typographical errors therein. No further amendments have been made and the amendments place the claims in better condition for appeal. Applicant respectfully requests entry of these minor amendments to the claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

At paragraph 4 of the present Office Action, Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mora, et al.* (U.S. Patent No. 6,161,113) and further in view of *Ertemalp* (U.S. Patent No. 5,745,110) and further in view of *Oliver* (U.S. Patent No. 5,907,490). However, the combination of these references does not render Applicant's invention unpatentable because that combination does not suggest to one skilled in the art the subject matter of Applicant's invention, which is recited within the various claims.

At the onset, Applicant respectfully requests consideration be given to the arguments presented herein, as these arguments address issues not previously raised as well as rebut the use of new reference, *Oliver,* to support those features that Applicant previously indicated were not taught nor suggested by *Mora* in combination with *Ertemalp*. Applicant hereby incorporates by reference those arguments proffered in Amendment C, which overcame that previous 103 rejections based on *Mora* and *Ertemalp*. While most of these arguments are still applicable and thus reiterated, several additional arguments are provided herein addressing these original references as well as *Oliver*.

No Motivation to Combine

Having reviewed the various references, Applicant find no motivation for the combination proposed by Examiner. While a skilled artisan may find some connection between *Mora* and *Oliver,* that connection is tenuous at best and would not lead one skilled in the art to combine either of those reference nor combine those references with *Ertemalp* without specifically relying on the teachings within Application's specification and claims.

Legal Analysis

It is clear that Examiner has relied on a teaching of Applicant's claimed invention to find motivation for the above combination since the references themselves appear to teach away from any such combination. Examiner is however reminded that: In rejecting claims under 35 U.S.C. §103, it is incumbent upon Examiner to establish a factual basis to support the legal conclusion of obviousness. *See* In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. i, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some **teaching, suggestion or implication** in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed- Cir. 1985,); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

References

Mora provides a "computer-aided project notebook" having documents that are categorized into views, "such as a methodology view" in which "documents have status fields, into which a user may enter status data" (Abstract), "such as in-work or pending approval" (col. 1, ll 55-57). "Other features of the notebook are document interconnectivity, shared fields, trace maps, and document access especially designed for project development" (*id.*)

Entemalp generally provides a "[m]ethod and apparatus for quickly arranging and displaying task schedule information in a calendar view format using internal caches and configurable, moveable task bars." (Abstract). A user is able to "change and configure task schedule information displayed in a task bar, as well as change task bar display attributes." "When a task bar is configured or removed by a user, the task bar as well as remaining task bars are automatically re-scaled to fit within the vertical space of the daybox" (Abstract).

Oliver provides a "system for monitoring and assessing performance of a project" that enables entry of "task data for each task of the project in a project management software file" and "calculating a current earned value position" (Abstract).

General Arguments

One skilled in the art would not be inclined to combine *Entemalp's* discussion of a calendared tasks bar showing scheduling of a start and end time for an activity with either of the other two references. Likewise, one skilled in the art would not find motivation to combine the specific features described by *Oliver* with those of *Mora* given that *Mora* assumes merely categorizing activity into different views without any consideration of how those views affect a "current earned value position" calculated from entries within a single project management software file.

Given the lack of any motivation within any of the references to consummate the present combination and the lack of teaching within the art to make such a combination at the time of Applicant's invention, the combination appears to have been motivated by hindsight reasoning, which relies on the teachings of Applicant's specification and claims. This apparent reliance on hindsight reasoning is further suggested by the piecemeal selection of unrelated portions of the various references to support the 103 rejection of the specific features recited by Applicant's claimed invention.

The Combination Does NOT Suggest Key Features of the Claims

Even if motivation could be found to support such a combination, that resulting combination still does not suggest to one skilled in the art several features disclosed by Applicant's claimed invention. Applicant's invention is clearly directed to enabling tracking of a completion (or percentage completion) of a distributed project or tasks that is subdivided into subtasks, where each subtask and task (and the project as a whole) are represented by a hierarchical set of documents. Each document includes a field within which the percentage completion of that particular task/subtask is tracked. Fields associated with the higher level documents (e.g. tasks) are dynamically updated when changes/updates are made within the fields

in the lower level documents (e.g., sub-tasks). Each field reflects the current percentage completion of that level task/sub-task (or project).

Claims 1, 12, 19 (and 2, 3, 10, 13, 14, 20 and 21)

As specifically recited by the independent claims, Applicant's invention provides: (1) "adding a summary information field to each document ... including information about a **percentage completion** of a particular task/subtask represented by the particular document **within the overall project to be completed**" This summary information field and its specific use to track (or hold) a percentage completion within the overall project it neither taught nor suggested by any of the references of the combination thereof.

Claims 4, 15, and 22 (and 5-9, 16-18, and 23-25)

In addition to the failure of the references and combination thereof to teach the above-listed, independent claim element, the combination of references also do not suggest the following dependent claim elements:

> *(2) "assigning to each task and subtask ... an individual point total representing a **current completion point total** for the specific task and/or subtask, where the completion point total is **an in-progress value**, ... to track the progress of the specific task and subtask"; and*
> *(3) "automatically determining an overall point total for the **project** and a completed point total for all **tasks** and subtasks affiliated with said project; and dynamically **calculating a current completion percentage** of each of said **tasks** utilizing a sum of the completed point total for subtasks associated with the particular task, **and dynamically calculating** a current **completion percentage** of said project utilizing said overall point total for the project and a sum of said completed point total for each task within the project" (Claim 4; emphases added).*

Claim 11

Claim 11 elements further define the updating of the status field and recite: "wherein said dynamically updating summary information comprises: transmitting ... value to a higher level document; and **automatically calculating an updated summary information value** at said higher level document ...." These elements are also not suggested by the combination for the below-listed reasons.

Analysis of the Combination

The specific sections of *Mora* referenced by Examiner provide:

(1) templates of a single document representing: Project overview, Preliminary Requirements, and Summary of Dvlpmnt App, arranged as subheadings of a Software Project Plan document (col. 11, ll 21-30; Fig. 3);

(2) basic descriptions of the types of functions associated with or information provided by specific "Technical Database Documents", which are identified in a numerical structure, with a sequence of numbers (e.g., 3.0, 4.0, 5.0) associated with a particular main document heading (or document type) e.g., SRS, SRR, and PDR (*see* col. 16-17 generally, and col. 17, lines 16-20, 39-44, 60-64) and other sub-headings having an extended number (e.g., 3.2, 3.3); and

(2) "providing programming for said collaborative software, ... to automatically update said status field in response to said document status data" (col. 59, lines 21-24).

Nowhere within these sections of *Mora* is there any teaching or suggestion of the above highlighted features, such as (1) encoding completion point totals within task/subtask documents; or (2) automatically calculating updated completion information at a higher level document...; or (3) dynamically calculating/determining the percent completion for both individual tasks and the overall project using the sum of the completion point totals against the overall points allocated to the project.

Notably, Examiner recognizes that *Mora* does not disclose "summary information about a percentage completion ...." While *Mora* also does not disclose the other above listed features, Examiner relies on *Ertemalp* to support the rejection of this specific feature. However, *Ertemalp* and specifically the referenced figures 4, 10, and 11 do not suggest the above listed features of Applicant's claims. Figure 4 of *Entemalp* provide an exemplary cache within which is illustrated the list of tasks, whether or not they are visible, and their respective start times and end times –in table format. Figures 10 and 11 provide a calendar view of the tasks with bars indicating when the specific tasks are scheduled.

There is absolutely nothing in any of these figures or within the descriptions thereof (*see*, for example, col. 5, lines 49-col. 7, lines 12; col. 9, lines 26-33) that suggests the above feature for which *Ertemalp* is relied on to support the 103 rejection. Also *see* col. 10, lines 19-21, which states, "[t]he task bar ...is an example of a task bar whose font size was increased to draw attention to the task."

Applicant's invention is NOT a scheduler and not directed to rescaling task bars within a calendar space. Thus Examiner's analysis suggests that Examiner has either mis-interpreted what is being taught by Applicant's claimed invention or has mischaracterized/misinterpreted what is being taught by *Entemalp*. One skilled in the art would not find the teachings of *Ertemalp* to be remotely suggestive of calculating the percent completion of a project using completion point totals assigned to each document which represents a specific task/sub-task within the overall project.

Examiner recognizes and admits that neither *Mora* nor *Ertemalp* provide support for the rejection of the percent completion feature within the claims. Examiner does not specifically address the other features that are clearly not shown or suggested by those two references. Examiner relies on *Oliver* to support the 103 rejection of the calculation of a percent completion of a project as recited by Applicant's claims.

The cited sections of *Oliver*, namely col. 8, ll 21-45 provides a description of determining EV-related information from task data obtained (from a single project management software file). That section provides a long list of types of information, which include percentages. However, there is no description of how one would obtain any of the percentages and clearly no mention of the use of completion point total from combining individual points of the specific task and/or subtask (via a bottom-up summation, from the hierarchical perspective) in determining a percentage completion for the overall project, as recited within Applicant's claims.

From the above discussion, it is clear one skilled in the art would not have been inclined *Ertemalp* with either of the other references and that such combination would not suggest several Applicant's claimed invention. Thus, one skilled in the art would not find Applicant's invention

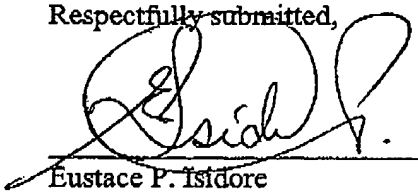
unpatentable over the combination of references, and Applicant's claims are therefore allowable over the combination.

CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to correct typographical errors and by providing arguments that clearly rebut and overcome the claim rejections. Since these arguments overcome the §103 rejections, Applicant respectfully requests issuance of a Notice of Allowance for all claims now pending.

Applicant also requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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